Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 4, 5, 7-10, 12-15, 25, 27, 29, 32-33 are pending in the application, with claims 4, 25, 27 and 32 being the independent claims. Claims 1-3, 6, 11, 16-24, 26, 28, 30-31 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 4, 25 and 27 are sought to be amended to add clarity. New claims 32 and 33 is sought to be added. Support for the amendments is found in paragraphs [0050] through [0055]. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

Applicants respectfully thank the Examiner for extending the courtesy of a telephone interview on May 25, 2010. During the interview, Applicants' representatives explained why the claims distinguished over the applied references. The Examiner proposed additional prosecution procedures before and after submission of the instant Reply to move toward allowance. No final agreement was reached.

Rejections under 35 U.S.C. § 112

Claims 1 and 3-31 were rejected under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement. Claims 1 and 3-31 were rejected under 35 U.S.C. § 112 as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicants have cancelled claims 1, 6, 11, 16-24, 26, 28, 30-31 and amended claims 4, 25, 27 without conceding the propriety of the rejections. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw these rejections.

Rejections under 35 U.S.C. § 103

Claims 1, 3-6, 11 and 24-31 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. No. 6,738,749 to Chasko ("Chasko") in view of U.S. Pat. No. 6,047,270 to Joao et al. ("Joao"). Applicants respectfully traverse this rejection.

Claims 1, 4 and 24-27

Without acquiescing to the propriety of the rejection, Applicants cancelled claims 1, 24 and 26. Also, without acquiescing to the propriety of the rejection, Independent claims 4, and 25 and 27 were clarified to recite features that distinguish over Chasko and Joao.

For example, for claim 4 as amended herein, recites, *inter alia*,

a receiver configured to receive customer ID information **from a memory of a customer mobile communication device**;

a transmitter configured to transmit at least one of the store ID information, the transfer source store account information, the customer ID information and the monetary amount information to the customer mobile communication device for authentication,

wherein the receiver is configured to receive the authenticated store ID information, transfer source store account information, customer ID information and monetary amount information from the customer mobile communication device and if the authentication using the customer mobile communication device is successful the transmitter is configured to transmit the store ID information, transfer source store account information, customer ID information and monetary amount information to an authentication manager that further authenticates the at least one of the authenticated store ID information, transfer source store account information, customer ID information and monetary amount information . . .

[emphasis added]

Also, claims 25 and 27 were amended to recite similar features.

Chasko discloses a system "for generating authenticated electronic retail transaction receipts and storing them on a secure, portable medium." (Chasko, C3, 50-

52). In Chasko, a customer interacts with a system by way of the Point-of-Sale ("POS") terminal where the customer inserts a smart card or a magnetic stripe into a card reader for purposes of validating a customer ID. (Chasko, column 5, lines 20-23). A customer proceeds to validate his identification by entering a PIN number or confirming some piece of personal information that is stored on a smart card or by a digital photograph. (Chasko, column 5, lines 25-30).

The Examiner, on page 8 of the Office Action acknowledges that Chasko fails to disclose the recited use of a receiver configured to receive information from a mobile communication device. Rather, the Examiner relies on Joao to cure the alleged deficiencies in Chasko. Joao discloses a communication device that receives signals and/or data from the POS and/or the central processing computer (Joao, column 5, lines 33-37; column 16, lines 8-14). The information that is transmitted to a communication device includes data identifying a transaction such as a name of a store or a service provider, an amount, time of the transaction, location, number of a central processing unit and information on goods or a type of a service. (Joao, column 20, lines 23-36). Subsequently, the user of the communication device authenticates the transmission.

However, Chasko and Joao references alone and in combination fail to disclose at least the above noted distinguishing features. First, Joao and Chasko fail to disclose at least the recited **customer's mobile communication device** is equipped with a memory to store the customer ID and is able to initialize a transaction by communicating to a store communication terminal and subsequently to authenticate the transaction by receiving the store ID, transfer store account information, customer ID and monetary amount from the store terminal. In fact, in contrast to the recited customer mobile communications device, Joao and Chasko both disclose a smart card and/or a magnetic card reader that is connected to a POS and that reads the customer ID and customer data from credit cards and charge cards. (Joao, column 15, lines 6-13, Chasko, column 5, lines 25-30). Neither a magnetic card reader nor a smart card, as taught in the applied references, teach the recited mobile communication devices equiped with a receiver and a transmitter.

Moreover, the applied references fail to teach or suggest at least the recited mobile communication device used to retrieve the customer ID information and to

authenticate the transaction data such as customer ID information, store ID information, transfer store account information and monetary amount that it receives from the store terminal.

Furthermore, Joao and Chasko, alone or in combination fail to disclose at least the recited authentication of the transfer store account information by the mobile communication device. As previously mentioned and acquiesced by the Examiner on page 8 of the Office Action, Chasko lacks any mobile communication device feature whereas Joao fails to teach the authentication of the transfer store account information by the mobile communication device. (Joao, column 20, lines 23-36).

Therefore, Joao and Chasko, alone or in combination fail to teach or suggest at least the above noted distinguishing features and cannot be used to establish a *prima facie* case of obviousness for claims 4, 25 and 27.

Claim 5 depends from the independent claim 4. Based on the dependency to claim 4, claim 5 should be found allowable over the applied references, as well as for its individual distinguishing features. *See In Re Fine,* 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03.

Claims 3 and 28-31

Applicants have cancelled claims 3, 28-29 and 31 without conceding the propriety of the rejections. Claim 29 depends from claim 4. Based on the dependency to claim 4, claim 29 should be found allowable over the applied references, as well as for its individual distinguishing features. *See In Re Fine,* 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03.

Claims 7, 12, 16 and 20

Claims 7, 12, 16 and 20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chasko in view of Joao, and further in view of U.S. Pat. No. 4,625,276 to Benton et al. ("Benton"). Applicants respectfully traverse this rejection.

Applicants cancelled claims 16 and 20 without conceding to the propriety of the rejection.

At page 10 of the Office Action the Examiner asserts, which Applicants do not acquiesce to, that Benton teaches the "use of a mobile terminal," and that "it would have

been obvious to a person having ordinary skill in the art at the time the invention was made to use a mobile communications terminal to speed up account accessibility." However, Benton is not stated by the Examiner to teach, nor does Benton teach or suggest, at least the above-noted distinguishing features of the independent claim 4. Thus, as Benton cannot cure the deficiencies of Chasko and Joao, the applied references cannot be used to form a *prima facie* case of obviousness for claim 4.

Accordingly, at least based on their respective dependencies to claim 4, claims 16 and 20 should be found allowable over the applied references, as well as for their additional distinguishing features.

Claims 8, 13, 17 and 21

Claims 8, 13, 17 and 21 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chasko in view of Joao and further in view of U.S. Pat. No. 6,085,176 to Woolston ("Woolston"). Applicants respectfully traverse this rejection.

Applicants cancelled claims 17 and 21 without conceding to the propriety of the rejection.

The Examiner on page 11 of the Office Action alleges, which Applicants do not acquiesce to, that Woolston teaches the use of a terminal at a pawnshop. However, the Examiner does not use Woolston to teach, nor does Woolston teach, at least the above noted distinguishing features of independent claim 4. Thus, as Woolston cannot be used to cure the deficiencies of Chasko and Joao, the applied references cannot be used to form a *prima facie* case of obviousness for claim 4.

Accordingly, at least based on their respective dependencies to claim 4, claims 8 and 13 should be found allowable over the applied references, as well as for their additional distinguishing features.

Claims 9, 14, 18 and 22

Claims 9, 14, 18 and 22 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chasko in view of Joao, and further in view of U.S. Pat. No. 6,012,048 to Gustin et al. ("Gustin"). Applicants respectfully traverse this rejection.

Applicants cancelled claims 18 and 22 without conceding to the propriety of the rejection.

The Examiner on page 11 of the Office Action alleges, which Applicants do not acquiesce to, that Gustin teaches the use of a terminal as a lottery money-exchanging booth. However, the Examiner does not use Gustin to teach, nor does Gustin teach, at least the above noted distinguishing features of independent claim 4. Thus, as Gustin cannot be used to cure the deficiencies of Chasko and Joao, the applied references cannot be used to form a *prima facie* case of obviousness for claim 4.

Accordingly, at least based on their respective dependencies to claim 4, claims 9, and 14 should be found allowable over the applied references, as well as for their additional distinguishing features.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date:

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
1099588_2.DOC

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